

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 5152/2026

Sunil Didel S/o Sampatlal, Aged About 21 Years, R/o Rol, Police Station Rol, District Nagaur (Rajasthan) (At Present In District Jail, Jhalawar).

-----Petitioner

Versus

The State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Miscellaneous Bail Application No. 6239/2026

Karan Pareek S/o Ramavtar, Aged About 22 Years, R/o Rohina, Police Station Badi Khatu, District Nagaur (Raj.) (At Present In District Jail, Jhalawar).

-----Petitioner

Versus

The State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Aladeen Khan
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

04/05/2026

1. These bail applications under Section 483 of BNSS are filed by the applicant-accused **Sunil Didel S/o Sampatlal and Karan Pareek S/o Ramavtar** seeking bail in respect of a criminal case registered as FIR No.115/2026 dated 25.02.2026 registered at P.S. Kotwali Jhalawar District - Jhalawar, for the offence under Sections 8, 21 and 29 of NDPS Act.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in the matter and the investigation against them is complete and they are no more required in investigation. He further submits that there are no chance of fleeing of applicant accused from the jurisdiction of this Hon'ble Court. The applicants do not have any criminal antecedents. He also submits that the applicants undertake not to repeat offence and cooperate with trial, which will take time.
3. Learned counsel for petitioners submits that without complying mandatory provision under NDPS Act, the police has effected search and seizure and same is contrary to the legal provisions. He further submitted that without giving an opportunity to be searched in the presence of Magistrate, the SHO has himself searched the accused and allegedly recovered smack (Herion) from the petitioners and arrested them. He further submitted that the recovered quantity is quite less than commercial, therefore they are entitled for bail. He further submitted that one of the accused, Rampal, was granted bail by a coordinate Bench of this Court on 18.04.2026.
4. Learned Public Prosecutor has vehemently opposed the bail applications and submitted that the allegations are grave and serious in nature. He has also filed a report received from concerned Police Station.
5. Heard learned counsel for the petitioners-accused and learned Public Prosecutor. Perused the material placed on record by both the parties.

6. On the basis of information, SI Rajendra Kumar, Police Station Kotwali Jhalawar, has intercepted petitioners Karan Pareek and Sunil and, after serving them a notice under Section 50 of NDPS Act, has searched and recovered 160 gram of heroin smack from possession of Karan Pareek and 100 gram from Sunil. After proceedings, FIR No. 115/2026 was registered at Police Station Kotwali, Jhalawar. On information of these two petitioners, another person, Rampal, was named as a person who was ultimate beneficiary to receive the contraband from these petitioners. After arrest of Rampal on 03.03.2026, a coordinate Bench has granted him bail on 18.04.2026.
7. The case of Rampal is different than present petitioners as there was no recovery from Rampal. The recovered contraband is heroin which is chemically modified morphine and it is derivative of natural morphine. The recovered quantity from one person is approximately 100 gram and from another is 160 gram. Considering the quantity, it can be said that this is not a commercial quantity, but still possession of heroin in such large quantities is a serious offence, and also there is no criminal case against the petitioners.
8. The facts and the material indicate that the alleged offence are of serious nature and role attributed to applicants is prima facie sufficient to consider complicity of applicants in the crime. Therefore, at this juncture, considering the evidence collected so far, this is not a fit case to enlarge the applicants accused on bail.

9. Considering the gravity of allegations and overall facts and circumstances of the case, it is appropriate to dismiss the bail applications of the applicants accused at this stage.
10. Accordingly, the applications for bail filed under Section 483 of BNSS preferred by **Sunil Didel S/o Sampatlal and Karan Pareek S/o Ramavtar** are hereby dismissed.

(ASHOK KUMAR JAIN),J